

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE WIRE HARNESS
SYSTEMS ANTITRUST LITIGATION

Master File No. 12-md-02311

THIS DOCUMENT RELATES TO:

All Actions

STIPULATION AND ORDER REGARDING NON-DISCOVERABILITY
OF CERTAIN EXPERT MATERIALS AND COMMUNICATIONS

To manage expert discovery efficiently, the parties hereby stipulate and agree that:

1. In addition to the provisions regarding expert discovery set forth in Fed. R. Civ. P. 26, discovery of witnesses required to provide a report under Rule 26(a)(2)(B) (hereinafter “expert witness” or “expert witnesses”) in any Direct Purchaser, Automobile Dealer or End-Payor Action encompassed within Master File No. 12-md-02311 (individually, an “Action” and, collectively, the “Actions”) shall not extend to:

a. notes prepared by expert witnesses, or employees working at the direction of those expert witnesses, in connection with the Actions, except to the extent the notes identify facts or data that the expert witness considered in forming the opinions to be expressed or identify assumptions that the expert witness relied on in forming the opinions to be expressed by such expert witness in the Actions;

b. communications to and from the expert witness and other expert witnesses and/or other non-testifying expert consultants in the Actions, except to the extent that the communications identify facts or data that the expert witness considered in forming the opinions

to be expressed or identify assumptions that the expert witness relied on in forming the opinions to be expressed by such expert witness in the Actions;

c. communications to and from expert witnesses and their staff and/or supporting firms, except to the extent that the communications identify facts or data that the expert witness considered in forming the opinions to be expressed or identify assumptions that the expert witness relied on in forming the opinions to be expressed by such expert witness in the Actions; and

d. communications to and from the respective staffs and/or supporting firms of expert witnesses or non-testifying expert consultants and the staffs and/or supporting firms of other expert witnesses or non-testifying expert consultants in the Actions, except to the extent that the communications identify facts or data that the expert witness considered in forming the opinions to be expressed or identify assumptions that the expert witness relied on in forming the opinions to be expressed by such expert witness in the Actions.

2. Within 3 business days of any party serving expert witness reports in the Actions, the party or parties proffering the expert witness shall produce in the format prescribed in the Stipulation and Order Regarding Production of Electronically Stored Information and Hard Copy Documents entered in the Actions: documents containing the facts, data or assumptions that the expert witness considered or relied on in forming the opinions to be expressed by such expert witness, including but not limited to any empirical investigations, statistical models, multiple regression analyses, and statistical correlations performed by or at the direction of the expert witness to the extent that such expert witness relied upon such information. Such documents shall include, but are not limited to spreadsheets, computerized regression analysis and/or other

underlying reports and schedules sufficient to reconstruct the expert witness's work, calculations, and/or analyses ("Expert Data").

3. Any time frame for conducting any deposition of the expert witness or for serving a responsive report or providing responsive information shall run from the date such Expert Data is received from the party proffering the expert witness. Where documents have previously been produced as part of discovery, identification by Bates number is sufficient. As to other documents relied upon by the expert witness, documents that are identified in the expert witness's report and are publicly available need not be produced absent specific request.

SO ORDERED:

s/Marianne O. Battani
United States District Judge

Dated: June 1, 2012

IT IS SO STIPULATED.

May 29, 2012

Respectfully submitted,

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